

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

**CIVIL APPLICATION NO.1 of 2006.
IN
SECOND APPEAL NO.1 OF 2006.**

The Managing Director, Shri Laxmi
Mahila Sahakari Bank Ltd.

... Applicant.

Versus.

The Chief Officer, Miraj Nagar
Parishad, Miraj.

... Respondent.

Shri Umesh Mankapure with Shri R.V.More for the
Applicant.

Shri N.V.Walavalkar, Senior Advocate i/by Shri
G.H.Keluskar for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 24th MARCH, 2006.

P.C.:

1, Rule. The Respondent waives service. Taken up
for hearing forthwith.

2. The Second Appeal has been admitted for final
hearing. The decree impugned is a money decree and it
cannot be stayed unless the entire amount is deposited
by the Applicant. This is not a one of those cases
where the deposit of the amount can be dispensed with.

Accordingly the following order is passed:

- i) There will be interim relief in terms of prayer
clause (a) subject to condition that the
Applicant will deposit in the trial Court the
entire amount due and payable under the money
decree passed by the trial Court within a period

of 8 weeks from today. If the amount is not deposited, the interim relief granted will stand vacated without reference to the Court.

ii) If the amount is deposited, the trial Court will permit the Respondent to withdraw the said amount subject to filing undertaking that the amount will be brought back with appropriate interest, if the Appellant succeeds in the Appeal.

Judge.